

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6917

BILL NUMBER: HB 1394

NOTE PREPARED: Dec 22, 2003

BILL AMENDED:

SUBJECT: Driving While Intoxicated and Causing Death.

FIRST AUTHOR: Rep. Bosma

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: To honor the memory of Representative Roland Stine, the bill provides that a person who causes the death of another person while operating a motor vehicle with an alcohol concentration of at least 0.15 gram of alcohol per: (1) 100 milliliters of the person's blood; or (2) 210 liters of the person's breath; commits a Class B felony.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Under current law, an operator causing the death of another when operating a motor vehicle (1) with a blood- or breath-alcohol concentration of at least 0.08 grams, (2) with a schedule I or II controlled substance in the person's body, or (3) while intoxicated is a Class C felony. The bill would change the blood- or breath-alcohol concentration to between 0.08 grams and 0.15 grams for the Class C felony and increase the penalty to a Class B felony for causing the death of another person while operating a motor vehicle with a blood- or breath-alcohol concentration of 0.15 or more.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging between two and eight years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from 6 to 20 years. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for a Class C felony is approximately 1.9 years, while the average length of stay for a Class B felony is approximately 3.7 years.

Since offenders with a higher blood- or breath-alcohol concentration would have a later date of release,

enhancing the offense from a Class C felony to a Class B felony could increase the number of beds needed if no other change occurs. Between FY 1997 and 2001, an average of 29 offenders were committed to DOC facilities for operating while intoxicated and causing death, but there are no data available to indicate the blood- or breath-alcohol concentration of these offenders.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class C or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class C and Class B felonies are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.